

**UNITED STATES DISTRICT COURT  
OF THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE: GENERAL MOTORS, LLC  
IGNITION SWITCH LITIGATION**

**MDL No. 14-MD-2543(JMF)**

This applies to:

JASON TODD JENNINGS,

Plaintiff,

v.

GENERAL MOTORS, LLC,

Case No. 1:19-cv-11069

**UNOPPOSED MOTION TO SUBSTITUTE PROPER PARTY WITH  
MEMORANDUM OF LAW IN SUPPORT**

Willa Sue Alexander, Personal Representative of the Estate of Jason Todd Jennings, deceased, files this Motion to Substitute Proper Party and shows the Court:

1. Pursuant to Federal Rule of Civil Procedure 25(a)(1), “If a party dies and the claim is not extinguished, the court may order substitution of the proper party.”
2. “A motion for substitution may be made by any party or by the decedent's successor or representative.” *Id.*
3. It is well-established that a decedent's legal representative may substitute as plaintiff for the decedent in a cause of action. *Sharp v. Ally Fin., Inc.*, 328 F. Supp. 3d 81, 103 (W.D.N.Y. 2018); *Roe v. City of New York*, No. 00 CIV.9062 (RWS), 2003 WL 22715832, at \*2 (S.D.N.Y. Nov. 19, 2003) (“A ‘proper party’ for substitution under Rule 25(a)(1) is ‘either (1) a successor of the deceased party—a distributee of an estate if the estate of the deceased has been distributed at the time the motion for substitution has been

made, or (2) a representative of the deceased party—a person lawfully designated by state authority to represent the deceased's estate.” (citation omitted)).

4. This Court has previously been informed of the death of plaintiff Jason Todd Jennings, which occurred on or about February 17, 2020. (Doc. 45).

5. In diversity cases, since *Erie R. Co. v. Tompkins*, 304 U.S. 64 (1938), the law of the state governs the remedies. *Cinnamon v. Abner A. Wolf, Inc.*, 215 F. Supp. 833, 834 (E.D. Mich. 1963). Mr. Jennings was a resident of Missouri at the time of his death and a resident of Missouri at the time of his motor vehicle accident, which occurred in Missouri. (Doc. 1, p. 1). Defendant General Motors, LLC is a citizen and resident of the states of Michigan and Delaware. *Id.*

6. Under Missouri, Michigan, and Delaware law, Plaintiff Jason Todd Jennings’s injury claim survived his death and can be maintained by his personal representative. *See* R.S.Mo. § 537.020 (West); Mich. Comp. Laws Ann. § 600.2921 (West) (“All actions and claims survive death”); Mich. Comp. Laws Ann. § 600.2922 (West); Del. Code Ann. tit. 10, § 3701 (West).

7. Willa Sue Alexander was appointed Personal Representative of the Estate of Jason Todd Jennings on or about June 5, 2020. *See* Letters of Administration, attached as Exhibit A.

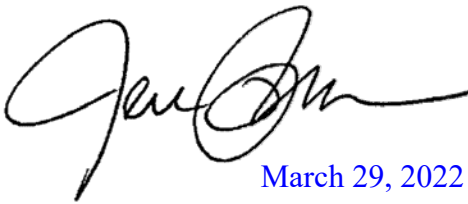
8. Thus, in accordance with Missouri, Michigan, and Delaware law, and pursuant to Federal Rule of Civil Procedure 25, Willa Sue Alexander, as Personal

Representative of the Estate of Jason Todd Jennings, should be substituted as the proper party for the decedent Plaintiff in her individual and representative capacity.

9. The undersigned counsel conferred with Defendant's counsel, and Defendant is not opposed to this Motion.

WHEREFORE, Willa Sue Alexander requests the Court substitute Willa Sue Alexander, as Personal Representative of the Estate of Jason Todd Jennings, for decedent Plaintiff in this case.

Application GRANTED. The Clerk of Court is directed to update the docket accordingly, and to terminate 19-CV-11069, ECF No. 46. SO ORDERED.



March 29, 2022

Respectfully submitted,

/s/ Brett A. Emison

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Counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

I certify that on March 29, 2021, the foregoing Motion was filed electronically using the CM/ECF system and served to all counsel of record.

/s/ Brett A. Emison

Brett A. Emison



## IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division:  
PROBATE

Case Number: 20P9-PR00494

In the Estate of JASON TODD JENNINGS, Deceased.

**FILED**  
**PROBATE RECORDS**

**05-Jun-2020 09:40**

CIRCUIT COURT OF JACKSON COUNTY, MO

BY Michael J. Marquez

**Letters of Administration**  
(Supervised Administration)

**The State of Missouri to All Persons Interested in the Estate of JASON TODD JENNINGS, Decedent:**

JASON TODD JENNINGS, who resided in JACKSON COUNTY, died intestate, and to the end that the property of the decedent may be collected and disposed of, we appoint WILLA SUE ALEXANDER personal representative, with full power and authority as provided by law.

Date of Death: 17-FEB-2020

I, Clerk of the Probate Division of the Circuit Court of Jackson County, Missouri, have signed my name and affixed the seal of the said Court on JUNE 5, 2020.

**Mary A. Marquez,**  
**Court Administrator**

By Michael J. Marquez  
Deputy Court Administrator

COURT SEAL OF



JACKSON COUNTY

**Certificate**

I, Clerk of the Probate Division, certify that the foregoing Letters, now in full force and effect, is a true copy from the record as it appears in my office.

Witness my hand and seal of court on \_\_\_\_\_.

\_\_\_\_\_  
Clerk